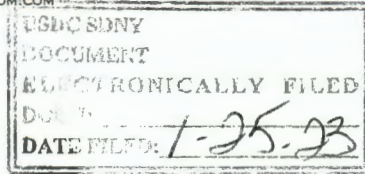


SULLIVAN & CROMWELL LLP

TELEPHONE: 1-310-712-6600
FACSIMILE: 1-310-712-8800
WWW.SULLCROM.COM



1888 Century Park East
Los Angeles, California 90067-1725

NEW YORK • PALO ALTO • WASHINGTON, D.C.

BRUSSELS • FRANKFURT • LONDON • PARIS

BEIJING • HONG KONG • TOKYO

MELBOURNE • SYDNEY

MEMO ENDORSED

January 23, 2023

Via ECF

The Honorable Lewis A. Kaplan,
United States District Court for the Southern District of New York,
500 Pearl Street,
New York, NY 10007.

Re: *Cervecería Modelo de México, S. de R.L. de C.V., and*
Trademarks Grupo Modelo, S. de R.L. de C.V. v. CB Brand
Strategies, LLC, et al., No. 1:21-CV-01317-LAK (S.D.N.Y.)

Your Honor:

I write on behalf of Plaintiffs Cervecería Modelo de México, S. de R.L. de C.V. and Trademarks Grupo Modelo, S. de R.L. de C.V. ("Modelo"), pursuant to Federal Rule of Civil Procedure 5.2(d), Paragraphs 5.1 and 6.2 of the Stipulated Protective Order and Confidentiality Stipulation ("Protective Order," ECF No. 47), and Your Honor's Individual Rules of Practice, to request leave to file under seal certain exhibits attached to the January 23, 2023 Declaration of Marc De Leeuw, and any reference to those exhibits and certain redacted exhibits in Modelo's Memoranda of Law in Support of Its Motions *in Limine* Nos. 1 through 13, dated January 23, 2023.

Under the Protective Order, the parties may designate certain documents as "Confidential" or "Highly Confidential" and restrict their dissemination and disclosure. (See Protective Order ¶¶ 1.1, 1.2.) If a court filing contains, paraphrases, summarizes, or otherwise discloses "Confidential" or "Highly Confidential" material, it must be filed under seal. (*Id.* ¶ 5.1.)¹

¹ "Any court filing containing, paraphrasing, summarizing, or otherwise disclosing Confidential or Highly Confidential Material must be filed under seal in compliance with the Local Rules of the United States Court for the Southern District of New York and Rules 1 and 2 (pp. 4-5) of Judge Kaplan's Individual Rules." (Protective Order ¶ 5.1.)

The Honorable Lewis A. Kaplan

-2-

The sealed or redacted documents include the following categories of confidential documents:

- Documents that were produced and designated Confidential or Highly Confidential pursuant to the Protective Order;
- Expert reports that have been designated Confidential or Highly Confidential in whole or in part; and
- Deposition testimony from fact and expert witnesses that have been designated Confidential or Highly Confidential in whole or in part.

In order to summarize the undisputed facts and legal issues in this case, Modelo believes it needs to reference the above-listed documents in its Memoranda. For the foregoing reasons, Modelo respectfully requests that its motion for leave to file under seal be granted. In accordance with Section 6.2 of the Protective Order,² Modelo will file certain exhibits and its Memoranda in redacted form until the Court rules on this motion.

Respectfully,

/s/ Michael H. Steinberg

Michael H. Steinberg

(Enclosures)

cc: *All counsel* (via ECF)

SO ORDERED *granted*
He
LEWIS A. KAPLAN, U.S.D.J.

² “A Receiving Party who seeks to file with the Court any Discovery Material which has previously been designated as comprising or containing Confidential Material or Highly Confidential Material, or any pleading, brief or memorandum which reproduces, paraphrases, or discloses Confidential Material or Highly Confidential Material shall file the document, pleading, brief or memorandum on the CM/ECF system in redacted form until the Court renders a decision on any motion to seal.” (Protective Order ¶ 6.2.)